

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN ROGER SOMERVILLE**, on January 31, 2001
at 3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Roger Somerville, Chairman (R)
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Joe Balyeat (R)
Rep. Debby Barrett (R)
Rep. Ronald Devlin (R)
Rep. Dave Gallik (D)
Rep. Steven Gallus (D)
Rep. George Golie (D)
Rep. Donald L. Hedges (R)
Rep. Jim Keane (D)
Rep. Gary Matthews (D)
Rep. William Price (R)
Rep. Allen Rome (R)
Rep. Frank Smith (D)
Rep. Donald Steinbeisser (R)
Rep. Karl Waitschies (R)

Members Excused: Rep. Carol C. Juneau, Vice Chairman (D)

Members Absent: None.

Staff Present: Donna Huffman, Committee Secretary
Leanne Kurtz, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 391, 1/31/01
Executive Action: HB 67, HB 72, HB 86, HB 131,
HB 207, HB 212, HB 219,
HB 373, HB 375, HB 391,
HB 363.

Chairman Somerville appointed a sub-committee for HB 78, Rep. Gallus, Rep. Devlin, Rep. Price.

Hearing on HB 391

Sponsor: Rep. Larry Cyr, HD 37, Butte.

Proponents: Colonel Bert Obert, Montana Highway Patrol; Pat Clinch, Montana Fire Fighters; Bob Gilbert, Montana Tow Truck Association; Mike Pichette, Montana Power Company.

Opponents: none.

Informational Witnesses: none.

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 4.5}

Rep. Cyr spoke about an amendment for HB 391. **EXHIBIT(trh25a01)**. This bill adds language to the existing statute to include stationary emergency vehicles. The statute already includes language on driver responsibilities on approach of an emergency vehicle.

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 7.8}

Bert Obert said there has been confusion and misunderstanding on what a motorist should do when they approach an emergency vehicle. This bill will clarify what motorist should do. **EXHIBIT(trh25a02)**. He showed a video of the problems he had mentioned. He handed out an article on Cops at risk when drivers ignore emergency vehicles. **EXHIBIT(trh25a03)**.

Pat Clinch said he is here for the safety of the fire fighters. He said they support HB 391.

Bob Gilbert said they support HB 391.

Mike Pichette said they support HB 391.

Opponents' Testimony: none.

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 18.7}

Rep. Hedges said to **Mr. Obert** to clarify in Line 26, reduce vehicle speed. **Mr. Obert** said to slow down from what the posted speed is.

Rep. Devlin said to **Mr. Obert** what this does is includes stationary emergency vehicles and it adopts the same rules that are now in place for moving violations, is that correct. **Mr. Obert** said yes that is correct.

Closing by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 26.7}

Rep. Cyr said he asks for a Do Pass on HB 391.

EXECUTIVE ACTION ON HB 391

Motion/Vote: **REP. HEDGES** moved that **AMENDMENT FOR HB 391 DO PASS**. Motion carried 18-0.

Motion/Vote: **REP. HEDGES** moved that **HB 391 DO PASS As Amended**. Motion carried 18-0.

{Tape : 1; Side : B; Approx. Time Counter : 0.3}

EXECUTIVE ACTION ON HB 67

Discussion:

Rep. Gallus said if a driver is convicted of this offense, would the passenger also be convicted of this offense. **Chairman Somerville** said yes. **Rep. Gallus** said the driver should be responsible for the passengers and he does not see a reason to hold the passenger responsible.

Rep. Waitschies said if this was common to give jail term on offenses like these. **Rep. Matthews** said for a first time offense, we are giving the judge the authority to incarcerate the person for one year.

Motion/Vote: **REP. WAITSCHIES** moved that **AMENDMENT FOR HB 67 DO PASS**. Motion carried 18-0. **EXHIBIT**(trh25a06)

Motion/Vote: **REP. GALLUS** moved that **HB 67 BE TABLED**. Motion carried 13-5 with Balyeat, Gallik, Hedges, Somerville, and Steinbeisser voting no.

{Tape : 1; Side : B; Approx. Time Counter : 8}

EXECUTIVE ACTION ON HB 72

Discussion:

Rep. Balyeat said if the legislation is enacted, for commuter rail travel, the tax payers will have to support it. He said before the legislation is enacted, there needs to be extra legislation to study rail travel.

Rep. Gallik said they should give this an opportunity to work and let the future legislators determine what the results were from the study and make the decision.

Rep. Gallus said he will support this bill. Cities that are successful in economic development are good places to live, and commuter rail adds to their area.

Rep. Matthews said there is no mention of Eastern Montana, he said he will vote against this bill.

Motion/Vote: REP. BOOKOUT-REINICKE moved that HB 72, AMENDMENT DO PASS. Motion carried 17-1 with Balyeat voting no. **EXHIBIT**(trh25a04)

Motion/Vote: REP. BOOKOUT-REINICKE moved that HB 72 DO PASS AS AMENDED. Motion failed 4-14 with Gallik, Gallus, Juneau, and Keane voting aye.

Motion/Vote: REP. HEDGES moved that HB 72 BE TABLED. Motion carried 14-4 with Gallik, Gallus, Juneau, and Keane voting no.

EXECUTIVE ACTION ON HB 86

{Tape : 1; Side : B; Approx. Time Counter : 20.2}

Motion: REP. HEDGES moved that HB 86 DO PASS.

Substitute Motion/Vote: REP. MATTHEWS made a substitute motion that HB 86 BE TABLED. Substitute motion carried 18-0.

EXECUTIVE ACTION ON HB 373

Motion: REP. BOOKOUT-REINICKE moved that HB 373 DO PASS.

Discussion:

Rep. Gallus said he would only be willing to work with Section 1 this bill is if it was in the form of a committee bill. He said he does not support this bill as it is now.

Rep. Balyeat said this is telling people who are currently registering their motor homes here that we don't want them to register them here, and we want them to register them at a higher price, also we are losing money in the process.

Rep. Gallus said he does not think this is having an effect on statewide insurance premiums.

{Tape : 2; Side : A; Approx. Time Counter : 0.3}

Motion/Vote: REP. BALYEAT moved that HB 373 BE TABLED. Motion carried 14-4 with Gallik, Golie, Juneau, and Smith voting no.

EXECUTIVE ACTION ON HB 131

Motion: REP. GOLIE moved that HB 131 DO PASS.

Discussion:

Chairman Somerville asked sub-committee on bill to report on their discussions and their findings on HB 131.

Rep. Barrett said the sub-committee met twice and from the Department of Transportation, Mr. Robert Turner attended. Rep. Keane had amendments **EXHIBIT(trh25a05)** on the bill and put a sunset on this bill for 2 years. She said they support HB 131.

{Tape : 2; Side : A; Approx. Time Counter : 12.2}

Mr. Bob Turner, DOT, explained history of Dyed Diesel Fuel to the committee.

Ronna Christman, Montana Marketers Petroleum Assoc., said

Motion/Vote: REP. KEANE moved that HB 131 AMENDMENTS DO PASS. Motion carried 16-2 with Gallik and Smith voting no.

Chairman Somerville said they will do executive action on HB 131 Do Pass As Amended on Friday, 02/02/01.

EXECUTIVE ACTION ON HB 207

Motion: REP. WAITSCHIES moved that HB 207 DO PASS.

Discussion:

Chairman Somerville said a House Bill that he will carry will cover all the concerns of Rep. Harris, but will not have any impact on local county treasures. The bill being prepared is called a sure right bill, Attorney Joe Mazurek, acting as a lobbyist, is working on the bill and it will come forward as a bill that will have a private corporation do the work that the county treasurers were required to do, and track uninsured motorist for the State of Montana.

Rep. Gallik said he does not feel comfortable about tabling this bill, because they haven't seen the new bill coming up yet.

Motion/Vote: REP. HEDGES moved that HB 207 BE TABLED. Motion carried 17-1 with Gallik voting no.

EXECUTIVE ACTION ON HB 212

{Tape : 2; Side : B; Approx. Time Counter : 0.3}

Motion: REP. WAITSCHIES moved that HB 212 DO PASS.

Discussion:

Chairman Somerville said the sub-committee on HB 212 met in reference to amendments that were proposed by Montana Highway Patrol. He said the amendments do not fit under the title of the bill. The sub-committee is going to work on a committee bill. He discussed this with the sponsor, Rep. Pattison, and the speaker. Rep. Pattison will carry that bill out of this committee and onto the House floor.

Motion/Vote: REP. GOLIE moved that HB 212 BE TABLED. Motion carried 18-0.

EXECUTIVE ACTION ON HB 219

Motion: REP. BOOKOUT-REINICKE moved that HB 219 DO PASS.

Discussion:

Rep. Gallik said he knows there are problems with gas drive-offs, but he doesn't think the presumption that the registered owner

was the driver at the time of theft, would pass legally. There already is a theft statute that this would fall under.

Rep. Golie said he supports the bill.

{Tape : 2; Side : B; Approx. Time Counter : 10.9}

Rep. Matthews said there are self service gas stations instead of full service, and this industry is losing 3 million dollars. He will support this bill.

Rep. Devlin said the owner of these businesses can install equipment to make an attempt to get a license plate number and description of the vehicle. He will support this bill.

Rep. Smith said he supports this bill.

Motion/Vote: **REP. BOOKOUT-REINICKE** moved that **HB 219 DO PASS.**
Motion carried 16-2 with Gallik and Somerville voting no.

EXECUTIVE ACTION ON HB 363

Motion: **REP. BOOKOUT-REINICKE** moved that **HB 363 DO PASS.**

Discussion:

Rep. Golie said the thing that stood out in this bill was commercial drivers license with a DUI.

Rep. Bookout-Reinicke said she is concerned about the same issue and if we could amend that section out.

Rep. Devlin said he does not think this will be a problem with the counties.

Rep. Hedges asked if not only they updated the Federal Requirements but also added language to the bill. **Leanne Kurtz** said yes.

Chairman Somerville asked **Rep. Golie** if he would research on this bill and find out if this section was Federal Law. He said we will do executive action on HB 363 on Friday, 02/02/01.

EXECUTIVE ACTION ON HB 375

Motion: **REP. SMITH** moved that **HB375 DO PASS.**

Motion/Vote: **REP. SMITH** moved that **HB 375 DO PASS.** **Motion carried 18-0.**

ADJOURNMENT

Adjournment: 7:00 P.M.

REP. ROGER SOMERVILLE, Chairman

DONNA HUFFMAN, Secretary

RS/DH

EXHIBIT (trh25aad)